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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,180

10/01/2003

Brian James DeHamcr

200208017-1

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,180

Applicant(s)

DEHAMER ET AL.

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/1/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The machine readable medium claimed in claims 17-19 is not described at all in the applicant's specification.

Claim Objections

2. Claim 17 is objected to because of the following informalities: Claim 17 is directed towards a program comprising a medium. It is assumed that the applicant intended this relationship the other way around, with the medium comprising a program. Otherwise it would not make sense to have an abstract idea such as program containing what is presumed to be physical matter such a medium. Appropriate correction is required.

Claim Observations

3. Claims 1 and 3-5 claim a system with a "controller generator" and "cookie manager" that as claimed, have absolutely nothing to do with each other. Claims 8 and 10-13 feature two method steps that as claimed, have absolutely no relation to each other. Claims 14 and 15 claim means that have nothing to do with each other. Finally claim 18 has controller logic that as claimed, has nothing to do with the cookie manager in claim 17. It is suggested that the applicant amend the claims to claim the applicant's invention coherently in order to further prosecution.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-7, 14, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1-7, 14, and 17-19 are directed towards a controller generator “that is adapted”, a cookie manager “that is adapted”, a model “that is adapted”, a view “that is adapted”, controller logic that is “adapted”, and action classes that are “adapted”. That applicant’s disclosure is directed towards a controller generator, a cookie manager, a model, a view, controller logic, and action classes but is completely silent to any “adaptation” of such elements. Although the terms as claimed may otherwise appear to be definite, inconsistency with the specification disclosure may make otherwise definite claims taken on an unreasonable degree of uncertainty. See MPEP section 2173.03.

7. It is suggested that the applicant remove the phrase adapted and positively recite the invention. For examination purposes, this is how the claims will be treated.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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9. Claims 17-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

10. Claims 17-21 are directed towards a computer program that is not explicitly embodied on any form of statutory subject matter. A computer program itself is software per se and therefore not part of any statutory category of invention. It is believed that correction to the Specification and Claim Objections previously mentioned in this Office Action will obviate this 35 USC section 101 rejection of claims 17-21.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-9 and 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application Publication Number 2004/0049673 by Song et al.

13. As to claim 1, Song teaches a system comprising: a controller generator that provides an application with a controller that receives requests for data from users and responds to the requests by obtaining requested data (paragraph 43); and a cookie manager that prevents conflicting cookie values associated with multiple actions invoking a particular cookie (paragraphs 9, 34, and 37-39, the personal cookie repository prevents conflicts by associating the cookies with users and not devices).

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14. As to claim 2, Song teaches the system set forth in claim 1, wherein the controller instantiates the cookie manager before processing a user request (paragraph 42).

15. As to claim 3, Song teaches the system set forth in claim 1, wherein the cookie manager adds a cookie value for the particular cookie associated with a first action of the multiple actions (paragraph 44, all state information is uploaded to the repository).

16. As to claim 4, Song teaches the system set forth in claim 3, wherein the cookie manager updates the cookie value for a second action of the multiple actions (paragraph 44).

17. As to claim 5, Song teaches the system set forth in claim 1, wherein the cookie manager maintains a most recent value of multiple cookie values provided by the multiple actions for the particular cookie (paragraph 44).

18. As to claim 6, Song teaches the system set forth in claim 1, wherein the cookie manager defers creation of a set cookie header until the controller is ready to commit a response for a user request (paragraph 44, the cookie cannot be uploaded until it is received from the web server that the user is browsing).

19. As to claim 7, Song teaches the system set forth in claim 1, comprising a model and a view separate from one another and separate from the controller, wherein the model provides an application state for the application (the cookie itself reads on the "model") and the view provides a view presentation for the application (the browser reads on the "view").

20. As to claim 8, Song teaches a method comprising: creating, with a processor-based device, a controller that receives requests for data from users and responds to the requests by obtaining requested data (paragraph 43); and providing a cookie manager that stores a most recent value of a particular cookie invoked by multiple actions (paragraph 44).

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21. As to claim 9, Song teaches the method set forth in claim 8, wherein providing the cookie manager comprises creating the cookie manager upon receipt of a user request by the controller (paragraph 42).

22. As to claim 12, Song teaches the method set forth in claim 8, wherein providing the cookie manager comprises providing add cookie logic to cache a new cookie value for the particular cookie (paragraph 44).

23. As to claim 13, Song teaches the method set forth in claim 8, wherein providing the cookie manager comprises providing commit cookie logic to commit the most recent value of the particular cookie for a response to a user request (paragraph 44).

24. As to claim 14, Song teaches a system comprising: means for creating a controller that provides control functions for an application, the controller receives requests for data from users and respond to the requests by obtaining requested data (paragraph 43); and means for managing multiple cookie actions to maintain a current value of a particular cookie (paragraph 44).

25. As to claim 15, Song teaches the system set forth in claim 14, wherein the means for managing comprises means for caching a cookie value for the particular cookie (paragraph 44).

26. As to claim 16, Song teaches the system set forth in claim 14, wherein the means for managing comprises means for committing the current value of the particular cookie for a response to a user request (paragraph 44).

27. As to claim 17, Song teaches a medium comprising program for creating applications, comprising: a cookie manager stored on the machine readable medium and to provide a desired cookie value for a response to a user request, wherein the desired cookie value is one of multiple cookie values set by different actions for a particular cookie (paragraph 42).

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28. As to claim 18, Song teaches the program set forth in claim 17, comprising controller logic stored on the machine readable medium and to receive requests for data from users and respond to the requests by obtaining requested data (paragraph 43).

29. As to claim 19, Song teaches the program set forth in claim 17, comprising action classes stored on the machine readable medium and to perform the different actions for processing the user request (paragraph 43).

30. As to claim 20, Song teaches the program set forth in claim 17, wherein the cookie manager comprises add cookie logic to cache a new cookie value for the particular cookie (paragraph 44).

31. As to claim 21, Song teaches the program set forth in claim 20, wherein cookie manager comprises commit cookie logic to commit the desired cookie value in a portion of the request (paragraph 44).

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2004/0049673 by Song et al. in view of U.S. Patent Application Publication Number 2003/0105723 by Skea.

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34. As to claim 10, Song teaches the method of claim 9, including maintaining the cookies for a particular session of processing a user request; however Song does not explicitly teach queuing the cookies.

Skea teaches creating comprising maintaining a queue of cookies for a particular session of processing the user request (paragraph 173).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Song regarding the management of cookies with the teachings of Skea regarding a cookie queue because Song discusses storing the cookies in general terms (see paragraph 52 of Song) and Skea shows one specific way of storage of cookies.

35. As to claim 11, Song teaches the method set forth in claim 10, wherein maintaining comprises replacing a previous value associated with a previous action with the most recent value associated with a most recent action (paragraph 44).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893.

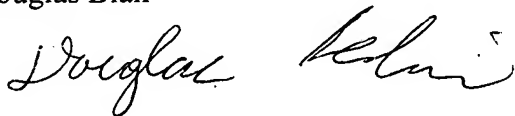
The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

A handwritten signature in cursive script, appearing to read "Douglas Blair", written in black ink.